

REMARKS

Claims 1-21 are pending in this application, claims 12-21 of which have been withdrawn from consideration. Reconsideration of the rejections in view of these amendments and the following remarks is respectfully requested.

Rejections under 35 USC §102(b)

Claims 1, 2 and 4-11 were rejected under 35 USC §102(b) as being anticipated by figure 12 of acknowledged prior art (APA).

Applicant respectfully traverses this rejection.

Claim 1 has been amended to recite "a nitride based semiconductor layer formed on one surface of said transparent substrate and constituting a cavity having a front facet on a side of laser light emission and a rear facet on an opposite side from said front facet," and "wherein at least one of said first and second ohmic electrodes ~~being~~ is formed in such a shape or arrangement that the ~~forward and backward directions along the cavity length~~ directions of the front facet and the rear facet of said cavity of said nitride based semiconductor layer can be distinguished." These amendments are supported in the specification at page 3, lines 4-13, page 11, lines 2-8, page 21, lines 8-22, and page 27, lines 1-8.

The Examiner alleged that Fig. 12 of APA discloses that "at least one of said first and second ohmic electrodes are formed in such a shape or arrangement that the forward and backward directions along the cavity length of said nitride based semiconductor layer can be distinguished." APA, however, does not disclose such recitation.

In Fig. 12 of the present application, which shows APA, although upper and lower electrodes of the device differ in size, the n electrode 60 and the p electrode 61 both have square or rectangular shape. The directions of the front facet and the rear facet of the cavity CANNOT be distinguished by the shape or arrangement of these electrodes.

In contrast, according to the present invention, as shown in Figs. 1, 3, 5, 7 and 9, the directions of the front facet and the rear facet of said cavity of said nitride based semiconductor layer can be distinguished by the shape of at least one of the electrodes.

For at least these reasons, claim 1 patentably distinguishes over APA. Claims 2 and 4-11, depending from claim 1, also patentably distinguish over APA for at least the same reasons.

Thus, the 35 USC §102(b) rejection should be withdrawn.

Claims 1 and 3-11 were rejected under 35 USC §102(b) as being anticipated by Koga (U.S. Patent No. 5,727,008).

Applicant respectfully traverses this rejection.

The Examiner again asserted that Koga discloses that "at least one of said first and second ohmic electrodes are formed in such a shape or arrangement that the forward and backward directions along the cavity length of said nitride based semiconductor layer can be distinguished." Koga, however, does not disclose such recitation.

In Fig. 8 of Koga, the shape of n electrode 60 is identical to that of p electrode 61. Also, in Fig. 7 of Koga, although the p-side electrode extends along the direction of the cavity length, it does not indicate the forward and backward directions along the cavity length. Thus, the directions of the front facet and the rear facet of the cavity CANNOT be distinguished by the shape or arrangement of these electrodes.

According to the present invention, as already discussed above, the directions of the front facet and the rear facet of the cavity of the nitride based semiconductor layer can be distinguished by the shape of at least one of the electrodes.

For at least these reasons, claim 1 patentably distinguishes over Koga. Claims 3-11, depending from claim 1, also patentably distinguish over Koga for at least the same reasons.

Thus, the 35 USC §102(b) rejection should be withdrawn.

It is submitted that nothing in the cited references, taken either alone or in combination, teaches or suggests all the features recited in each claim of the present invention. Thus all pending claims are in condition for allowance. Reconsideration of the rejections, withdrawal of the rejections and an early issue of a Notice of Allowance are earnestly solicited.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

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